

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

JOHNNY CRESPO MIRANDA
ROSELMÍ PABON MORALES

Debtors

CASE NO. 17-01158-EAG

CHAPTER 13

OPPOSITION TO MOTION REQUESTING DISMISSAL

TO THE HONORABLE COURT:

Now comes creditor Pedro Alexis Vélez-Alvarez, through the undersigned attorney, and respectfully states and prays:

1. On May 15, 2018, creditor Reliable Financial Services, Inc. moved the Court to dismiss debtors' Chapter 13 petition [Dk. 93], based on the same grounds as the trustee's motion to dismiss [Dk. 74].

2. On March 31, 2018, the appearing creditor filed a *Motion to Dismiss with Bar from Refiling for 180 Days*. [Dk. 75]. The trustee followed withdrawing an earlier motion to dismiss [DK. 77] while restating that the debtors were still in material default of the proposed plan. [Dk. 76]. According to the trustee's records, the last payment received from debtors in this case was on November 27, 2018. Please, see the attached Print Inquiry. Debtors have failed to amend the plan as pledged. See, debtors' *Answer to Trustee's Unfavorable Report at Doc #83*, paragraph 7.

3. At the confirmation hearing scheduled to consider debtors' amended plan dated August 30, 2017, the objection to confirmation filed by movant herein, and debtors' answer, that

the debtors and their attorney failed to attend, the counsel for the trustee declared that she considered it worthwhile to reopen the meeting of creditor. [Dk. 89]. A Notice of Continuance of 341 Meeting of Creditors has been filed. [Dk. 92]. The confirmation hearing was continued to July 18, 2018.

4. If the debtors fail to oppose the motion to dismiss filed by Reliable Financial Services, Inc., the Court could grant it. The due date to file an objection to the motion is June 18, 2018, or the day before the meeting of creditors.

5. Movant, Pedro A. Vélez Alvarez, is a creditor and a party in interest in this case, and a such objects to the relief sought by Reliable Financial Services, Inc. It is in the interest of justice that the Chapter 13 trustee, and of any creditor who so desires, take part in the meeting of creditors to be held on June 19, 2018 at 1:00 P.M.

6. In the alternative, pursuant to Rule 10(c) of the Federal Rules of Civil Procedure, as made applicable to bankruptcy proceedings, movant adopts by reference the pleadings set forth in the *Motion to Dismiss with Bar from Refiling for 180 Days*. [Dk. 75].

WHEREFORE, movant respectfully requests that the Motion to Dismiss filed by Reliable Financial Services, Inc., be held in abeyance until the hearing on confirmation and the contested matters to be held on July 18, 2018.

Certificate of service: I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants, and I further certify that a copy of this motion was mailed to all other parties in interest as per the attached service list.

Dated: May 31, 2018.

/s/Carlos M. Vargas Muñiz
Carlos M. Vargas Muñiz
P.O. Box 1515
Mayagüez, PR 00681-1515
 vargascarlosm1@gmail.com
 787-833-5115

PRINT INQUIRY[Close Window](#)[Click Here to Print this Page](#)**17-01158-EAG JOHNNY CRESPO MIRANDA**
(xxx-xx-8361)PO BOX 1355 • •
ANASCO • PR •
00610

\$400.00 MO Bar Date(s): 7/10/2017 (has passed) 8/22/2017 (has passed)

ROSELMÍ PABON MORALES
(xxx-xx-4626)

Confirmed: Not Confirmed

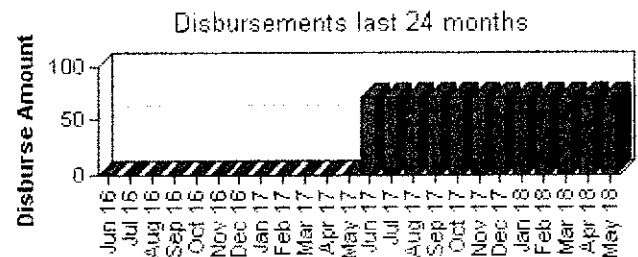
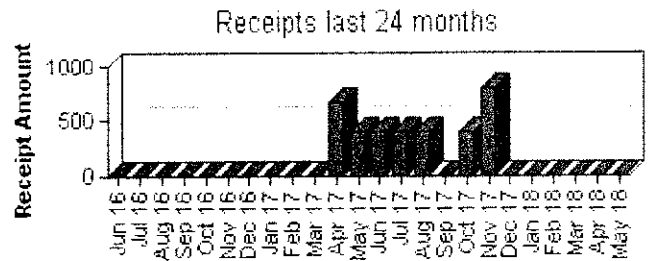
Trustee: José R. Carrión

Attorney: MIRIAM LOZADA
RAMIREZ ESQ*

Case Status: ACTIVE

Case Profile

Balance on Hand	\$2,358.65
Last Receipt Date	Monday, November 27, 2017
Last Receipt Amount	\$800.00
Last Disburse Date	Tuesday, May 1, 2018
341 Meeting Date	Monday, April 10, 2017 9:00 AM
Date Petition Filed	Thursday, February 23, 2017
Total Paid Into the Plan	\$3,470.00
Total Disbursed	\$1,111.35
Attorney Payee / Level	MIRIAM LOZADA RAMIREZ ESQ* (787) 834-3004 / 4
Judge	EDWARD A GODOY
Plan Base	\$24,740.00
Base Balance	\$21,270.00
Plan Terms Months Remaining	60
Percent to Unsecureds	0
Bar Check Status	0.000%
Disburse Flag	No
Months Since Confirmation	No
Months Since Petition Filed	15

**CASE DETAIL**

Debtor Type	Individual
Trustee's Percentage	5.00%
Total Paid to Trustee	\$271.35
Permanent Hold	\$0.00
Temporary Hold	\$0.00
Unsecured Interest	0.00%
Attorney Percentage	0.00%
Attorney Pay Level For Percentage	0

CODES AND FLAGS

Region	1 - 4
District	5 - Ponce
Division	1 - Division 1
CaseImage	N
Adequate Protection	Y
Closed Case Maintenance	N
Confirmed Over 45 Days	N
DSO Case	N
DBA	Y
Schedule Revised	Y
Income Tax Return	Y
Coupon	N
Qualify for Discharge	U

DATES AND TIMES

Label Matrix for local noticing
0104-2
Case 17-01158-EAG13
District of Puerto Rico
Ponce
Sat Mar 31 14:25:50 AST 2018

AMEX
P.O. BOX 981537
EL PASO, TX 79998-1537

DEPARTAMENTO DEL TRABAJO
PO BOX 191020
SAN JUAN, PR 00919-1020

INTERNAL REVENUE SERVICE
ATTN. BANKRUPTCY DEPT.
PO BOX 7346
PHILADELPHIA, PA 19101-7346

Synchrony Bank
c/o of FRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

MIRIAM SOCORRO LOZADA RAMIREZ
MIRIAM LOZADA RAMIREZ, ESQ.
URB. PASEO LOS ROBLES
3020 JOSE MONGE
MAYAGUEZ, PR 00682-7918

ROSELMY PABON MORALES
PO BOX 1355
ANASCO, PR 00610-1355

RELIABLE FINANCIAL SERVICES
PO BOX 21382
SAN JUAN, PR 00928-1382

BANCO POPULAR
PO BOX 362708
SAN JUAN, PR 00936-2708

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G10 CALLE 6
ANASCO, PR 00610-2807

JOHNNY CRESPO MIRANDA
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ANASCO, PR 00610-1355

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

US Bankruptcy Court District of PR
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

DACO
BOX 41059
MINILLAS STATION
SAN JUAN, PR 00940-1059

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
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PHILADELPHIA PA 19101-7346

Pedro Alexis Velez Alvarez
Urb. Brisas de Anasco
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Anasco, PR 00610-2807

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

PEDRO A VELEZ ALVAREZ
URB. BRISAS DE ANASCO
CALLE 6 G-10
ANASCO, PR 00610-2807

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

INTERNAL REVENUE SERVICE
ACS SUPPORT
PO BOX 57
BENSALEM, PA 19020-8514

(d)RELIABLE FINANCIAL SERVICES, INC.
P.O. BOX 21382
SAN JUAN, PR 00928-1382

End of Label Matrix
Mailable recipients 18
Bypassed recipients 0
Total 18